

JS 44C/SDNY  
REV. 4/2014

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Harold R. Lanier, on behalf of himself, individually, and on behalf of all others similarly situated

## DEFENDANTS

See Attachment 1 hereto for list of all Defendants

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David S. Preminger  
Keller Rohrback L.L.P., 770 Broadway, Second Floor  
New York, NY 10003 Tel: (646) 495-6198

## ATTORNEYS (IF KNOWN)

Unknown at this time

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. §1332(d); causes of action include breach of contract and unjust enrichment.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## TORTS

## CONTRACT

- [ ] 110 INSURANCE  
[ ] 120 MARINE  
[ ] 130 MILLER ACT  
[ ] 140 NEGOTIABLE INSTRUMENT  
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT  
[ ] 151 MEDICARE ACT  
[ ] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)  
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS  
[ ] 160 STOCKHOLDERS SUITS  
[x] 190 OTHER CONTRACT  
[ ] 195 CONTRACT PRODUCT LIABILITY  
[ ] 196 FRANCHISE

## REAL PROPERTY

- [ ] 210 LAND CONDEMNATION  
[ ] 220 FORECLOSURE  
[ ] 230 RENT LEASE & EJECTMENT  
[ ] 240 TORTS TO LAND  
[ ] 245 TORT PRODUCT LIABILITY  
[ ] 290 ALL OTHER REAL PROPERTY

## PERSONAL INJURY

- [ ] 310 AIRPLANE  
[ ] 315 AIRPLANE PRODUCT LIABILITY  
[ ] 320 ASSAULT, LIBEL & SLANDER  
[ ] 330 FEDERAL EMPLOYERS' LIABILITY  
[ ] 340 MARINE  
[ ] 345 MARINE PRODUCT LIABILITY  
[ ] 350 MOTOR VEHICLE  
[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY  
[ ] 360 OTHER PERSONAL INJURY  
[ ] 362 PERSONAL INJURY - MED MALPRACTICE

## ACTIONS UNDER STATUTES

## CIVIL RIGHTS

- [ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)  
[ ] 441 VOTING  
[ ] 442 EMPLOYMENT  
[ ] 443 HOUSING/ ACCOMMODATIONS  
[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT  
[ ] 446 AMERICANS WITH DISABILITIES - OTHER  
[ ] 448 EDUCATION

## PERSONAL INJURY

- [ ] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY  
[ ] 365 PERSONAL INJURY PRODUCT LIABILITY  
[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

## PERSONAL PROPERTY

- [ ] 370 OTHER FRAUD  
[ ] 371 TRUTH IN LENDING

- [ ] 380 OTHER PERSONAL PROPERTY DAMAGE  
[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY

## PRISONER PETITIONS

- [ ] 463 ALIEN DETAINEE  
[ ] 510 MOTIONS TO VACATE SENTENCE  
[ ] 530 HABEAS CORPUS  
[ ] 535 DEATH PENALTY  
[ ] 540 MANDAMUS & OTHER

## PRISONER CIVIL RIGHTS

- [ ] 550 CIVIL RIGHTS  
[ ] 555 PRISON CONDITION  
[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

## FORFEITURE/PENALTY

- [ ] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881  
[ ] 690 OTHER

## LABOR

- [ ] 710 FAIR LABOR STANDARDS ACT  
[ ] 720 LABOR/MGMT RELATIONS  
[ ] 740 RAILWAY LABOR ACT  
[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)  
[ ] 790 OTHER LABOR LITIGATION  
[ ] 791 EMPL RET INC SECURITY ACT

## IMMIGRATION

- [ ] 462 NATURALIZATION APPLICATION  
[ ] 465 OTHER IMMIGRATION ACTIONS

## ACTIONS UNDER STATUTES

## BANKRUPTCY

- [ ] 422 APPEAL 28 USC 158  
[ ] 423 WITHDRAWAL 28 USC 157

## PROPERTY RIGHTS

- [ ] 820 COPYRIGHTS  
[ ] 830 PATENT  
[ ] 840 TRADEMARK

## SOCIAL SECURITY

- [ ] 861 HIA (1395ff)  
[ ] 862 BLACK LUNG (923)  
[ ] 863 DIWC/DIWW (405(g))  
[ ] 864 SSID TITLE XVI  
[ ] 865 RSI (405(g))

## FEDERAL TAX SUITS

- [ ] 870 TAXES (U.S. Plaintiff or Defendant)  
[ ] 871 IRS-THIRD PARTY 26 USC 7609

## OTHER STATUTES

- [ ] 375 FALSE CLAIMS  
[ ] 400 STATE REAPPORTIONMENT  
[ ] 410 ANTITRUST  
[ ] 430 BANKS & BANKING  
[ ] 450 COMMERCE  
[ ] 460 DEPORTATION  
[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)  
[ ] 480 CONSUMER CREDIT  
[ ] 490 CABLE/SATELLITE TV  
[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE  
[ ] 890 OTHER STATUTORY ACTIONS  
[ ] 891 AGRICULTURAL ACTS  
[ ] 893 ENVIRONMENTAL MATTERS  
[ ] 895 FREEDOM OF INFORMATION ACT  
[ ] 896 ARBITRATION  
[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION  
[ ] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ to be proved OTHER injunctive relief

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

CTA CQ

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented  
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [x] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 15 [ ] 15
CITIZEN OF ANOTHER STATE	[x] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 16 [ ] 16

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Harold R. Lanier  
 65 Magnolia Avenue  
 Fairhope, Alabama  
 Baldwin County

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

See Attachment 2 hereto for list of all Defendants' addresses and counties

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Not applicable.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 5/21/14 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT  
☐ NO

RECEIPT #

☒ YES (DATE ADMITTED Mo. March Yr. 1973)  
 Attorney Bar Code # DP-1057

Magistrate Judge is to be designated by the Clerk of the Court

**MAG. JUDGE PECK**

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form

Save

Print

**ATTACHMENT 1 TO CIVIL COVER SHEET**

**LIST OF DEFENDANTS**

*HAROLD R. LANIER v. BATS EXCHANGE, INC., ET. AL.*

BATS EXCHANGE, INC.  
BATS Y-EXCHANGE, INC.  
CHICAGO BOARD OPTIONS EXCHANGE, INC.  
CHICAGO STOCK EXCHANGE, INC.  
EDGA EXCHANGE, INC.  
EDGX EXCHANGE, INC.  
INTERNATIONAL SECURITIES EXCHANGE, LLC  
NASDAQ OMX BX, INC.  
NASDAQ OMX PHLX, LLC  
NASDAQ STOCK MARKET, LLC  
NATIONAL STOCK EXCHANGE, INC.  
NEW YORK STOCK EXCHANGE, LLC  
NYSE ARCA, INC.  
NYSE MKT, LLC

**ATTACHMENT 2 TO CIVIL COVER SHEET**

**LIST OF DEFENDANTS' ADDRESSES AND COUNTIES**

*HAROLD R. LANIER v. BATS EXCHANGE, INC., ET. AL.*

BATS Exchange, Inc.  
8050 Marshall Drive  
Lenexa, Kansas 66214  
Johnson County

BATS Y-Exchange, Inc.  
8050 Marshall Drive  
Lenexa, Kansas 66214  
Johnson County

Chicago Board Options Exchange, Inc.  
400 South LaSalle Street, 26th Floor  
Chicago, Illinois 60605  
Cook County

Chicago Stock Exchange, Inc.  
440 South LaSalle Street  
Chicago, Illinois 60605  
Cook County

EDGA Exchange, Inc.  
545 Washington Boulevard, Sixth Floor  
Jersey City, NJ 07310  
Hudson County

EDGX Exchange, Inc.  
545 Washington Boulevard, Sixth Floor  
Jersey City, NJ 07310  
Hudson County

International Securities Exchange, LLC  
60 Broad Street  
New York, New York 10004  
New York County

NASDAQ OMX BX, INC.  
One Liberty Plaza  
New York, New York 10006  
New York County

NASDAQ OMX PHLX, LLC  
1900 Market Street  
Philadelphia, Pennsylvania 19103  
Philadelphia County

The NASDAQ Stock Market, LLC  
1 Liberty Plaza 165 Broadway  
New York, New York 10006  
New York County

National Stock Exchange, Inc.  
101 Hudson, Suite 1200  
Jersey City, New Jersey 07302  
Hudson County

New York Stock Exchange, LLC  
11 Wall Street  
New York, New York 10005  
New York County

NYSE ARCA, Inc.  
100 South Wacker Drive, Suite 1800  
Chicago, Illinois 60606  
Cook County

NYSE MKT, LLC  
11 Wall Street  
New York, New York 10005  
New York County